



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: John Bankston Construction & Equipment Rental,
Inc.--Request for Reconsideration
File: B-225711.2
Date: March 31, 1987

DIGEST

Where protester expressly refused to extend its offer and months after its offer expired filed protest of the agency's request for an extension of its offer, prior dismissal is affirmed even though protester thought its offer was still being considered.

DECISION

John Bankston Construction and Equipment Rental, Inc., requests reconsideration of our dismissal of its protest in John Bankston Construction and Equipment Rental, Inc., B-225711, Mar. 11, 1987, 87-1 C.P.D. ¶ _____, in which it protested award to other than itself under request for proposals (RFP) No. R7-20N-86 issued by the General Services Administration (GSA) for the lease of office space in Beaumont, Texas.

We affirm the prior dismissal.

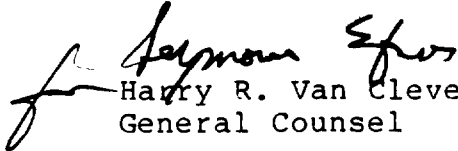
Bankston had protested that GSA's November 7, 1986, request for extension of Bankston's offer past its November 15 expiration was improper. We dismissed Bankston's protest on the ground that it was not filed within 10 days of Bankston's learning of the request for extension on November 7.

Bankston now contends that by letter dated December 12, 1986, the contracting officer stated that Bankston's offer was still under consideration. The contracting officer's letter also requested that she be advised no later than December 19, if Bankston would extend its offer through January 31, 1987. Bankston asserts that it expected the offer would be considered through January 31.

As we stated in John Bankston Construction and Equipment Rental, Inc., supra, Bankston refused GSA's November 7 request to extend its offer, which was expiring on

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November 15 and Bankston did not file this protest until February 9, 1987. Therefore, regardless of what the contracting officer may have later stated to Bankston, as of November 16, Bankston's offer had expired. Since Bankston's protest is against the request for extension of its offer it should have filed its protest within 10 days of its learning of the request for extension on November 7 and it is immaterial that Bankston thought its offer was still being considered after that time.


Harry R. Van Cleve
General Counsel